IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITON NO.3032 OF 2006

Pramod K. Shah ..Petitioner.

V/s.

Commissioner of Customs & Anr. ..Respondents.

Mr.Subhas Jha with MsSwapnil i/b. Law & Gopal for petitioner.

Mr.P.S. Jetly with R.C. Master for respondents.

CORAM : H.L.GOKHALE AND J.P.DEVADHAR, JJ.

DATED : 21ST DECEMBER, 2006.

P.C. :-

. Heard Mr.Jha in support of the petition. Mr.Jetly appears for the respondents. Reply has been filed by one V.K.Khosla, Assistant Commissioner of Customs S.I.I.B(X). Petitioner claims to have imported secondary defective carbon steel pipes from Taiwan and secondary defective carbon steel welded pipes from Japan. He has lodged the bill of entries for that purpose and now it has so happened that along with those imported items copper tubes and stainless steel pipes were found over and above those imported items. The Commissioner has passed an order on the bill of entry on 1st December, 2006 allowing provisional release of the goods imported under the bills of entry. It obviously means that the items which are mentioned

in the bill of entry and no other than that. The petition was initially filed to seek release of the items which were seized under the panchanama. Subsequently, a modification of this order was sought. Now, we are informed that this order has been complied with. This being the position all the customs have to do is to clear the items which are mentioned in the bill of entry and not the others withe respect of which they will step in accordance with law.

2. Mr.Jha seeks to withdraw the petition. Petition is allowed to be withdrawn.

(H.L.GOKHALE, J.)

(J.P.DEVADHAR, J.)